S.B.CRIMINAL LEAVE TO APPEAL NO. 306/2006

(State of Rajasthan vs. Mahipal Bhakhar & Ors.)

Date of order : 30.11.2006

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.Ashok Upadhyaya, P.P.

It is contended by the learned Public Prosecutor that the act complained has no nexus with the performance of the official duty and, therefore, the court below fell in error in acquitting the accused-respondents on the ground of there being no sanction to prosecute under section 197 Cr.P.C.

Heard learned Public Prosecutor for the State and perused the judgment and order of acquittal.

Having considered the totality of facts and circumstances of the case, I think it a fit case to grant leave to appeal to this Court.

Accordingly,the leave to appeal to this Court is granted. The memo of leave to appeal be treated as memo of appeal. Let the appeal be registered on regular number.

Appeal admitted.

Accused respondents Mahipal Bhakhar s/o Bhanwarlal, Phoole Khan s/o Aajam Khan and Jodharam s/o Andaram be summoned by bailable warrant of Rs.5000/- each for their appearance before this Court on 10.1.2007 and as and when called upon to do so.

(H.R.PANWAR),J.

m.asif/-